HIGH COURT OF UTTARANCHAL AT NAINITAL

A.O. No. 795 of 2001

(Old No. 607 of 1984)

Smt. Ram Pyari ..... Appellant

Versus

Smt. Basanti Devi & others ..... Respondents

Dated: 10.8.2004

Hon. Rajesh Tandon J.

File has been transferred from Allahabad High Court. None appears for the parties. I have perused the entire record.

Present appeal has been filed against the judgment and award dated May 2, 1984 passed by the Motor Accident Claims Tribunal, Nainital.

Briefly stated the facts giving rise to the present appeal are that claimant respondents have filed a claim petition for the grant of compensation on account of death of Sri Kashi Lal in a motor accident on 6.10.81 at 10.30 AM at Khatima involving truck No. UST 9469. The petitioners have alleged that the truck was being driven rashly and negligently at the time of accident due to which the truck hit the deceased who was riding on a bicycle. Opposite parties contested the claim petition and filed written statement. The Claims Tribunal framed as many as 4 issues and held that the accident took place due to rash and negligent driving by the truck driver. The truck driver has a valid driving licence. The Claims Tribunal assessed the annual

income of the deceased as Rs.12,000/- and calculated compensation of Rs.56,000/-.

I find no infirmity in the judgment and award passed by the motor Accident Claims Tribunal. The appeal has no force and is accordingly dismissed. No order as to costs.

(Rajesh Tandon J.)

10.8.2004

*Dhyani